

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

LELAND MEDICAL CENTERS, INC.

Plaintiff,

v.

FLOYD R. WEISS, et al.,

Defendants.

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CASE NO. 4:07cv67

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 13, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Foundation Bariatric Affiliates, L.L.C., Foundation Bariatric General, L.L.C., Foundation Bariatric Real Estate of San Antonio, L.P., Foundation Surgery Affiliates, Inc., and 5GStudio\_Collaborative, LLC's Rule 12(b)(6) Motion to Dismiss (Dkt. 71) be GRANTED in part and DENIED in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants' 12(b)(6) Motion to Dismiss (Dkt. 71) is **GRANTED** as to Plaintiff's claims for statutory damages and attorney's fees for copyrights Nos. VAu 671-788, VAu 671-789, VAu 705-637, VAu 715-275, and VAu 715-274, and Defendants' Motion to Dismiss is **DENIED** as to Plaintiff's claims for statutory damages and attorney's fees for copyright No. VAu 455-554.

**SO ORDERED.**

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**SIGNED this 28th day of September, 2007.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE